

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

WILLIAM CODY, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

THE NIELSEN COMPANY (US), LLC, a
Delaware limited liability company, NIELSEN
AUDIO, INC., a Delaware corporation, and
SCARBOROUGH RESEARCH, a Delaware
general partnership,

Defendants.

Case No. 1:14-cv-05252

Honorable Judge Manish S. Shah

Magistrate Judge Sheila M. Finnegan

STIPULATION OF DISMISSAL UNDER FED. R. CIV. P. 41(a)(1)(A)(ii)

Plaintiff William Cody (“Plaintiff”) and Defendants The Nielsen Company (US), LLC (“Nielsen”), Nielsen Audio, Inc. (“Nielsen Audio”), and Scarborough Research (“Scarborough”) (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) to the dismissal of Plaintiff’s individual claims in this action *with prejudice* and the dismissal of the putative class members’ claims *without prejudice*. In support of the instant stipulation, the Parties state as follows:

WHEREAS, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the Parties may stipulate to the dismissal of this action without a Court order;

WHEREAS, the Parties have conferred and agreed to stipulate to the dismissal of Plaintiff’s individual claims in this action *with prejudice*, and the dismissal of the putative class members’ claims *without prejudice*.

WHEREAS, the instant stipulation will not affect in any way the ability of the putative class members to pursue their respective putative claims against the Defendants; and

WHEREAS, the Parties have further agreed that they shall each bear their own attorneys’ fees and expenses incurred in any way related to this action.

NOW THEREFORE, IT IS HEREBY STIPULATED and AGREED:

1) Plaintiff's claims against Nielsen, Nielsen Audio, and Scarborough in this action shall be dismissed *with prejudice*, and the claims of the putative class members are dismissed *without prejudice*.

2) The Parties shall each bear their own attorneys' fees and expenses incurred in any way related to this action.

IT SO STIPULATED.

Respectfully submitted,

WILLIAM CODY, individually and on behalf
of a class of similarly situated individuals

Dated: October 10, 2014

By: /s/ John C. Ochoa
One of Plaintiff's Attorneys

Rafey S. Balabanian
rbalabanian@edelson.com
Ari J. Scharg
ascharg@edelson.com
John C. Ochoa
jochoa@edelson.com
EDELSON PC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Counsel for Plaintiff and the putative Class

**THE NIELSEN COMPANY (US), LLC,
NIELSEN AUDIO, INC., and
SCARBOROUGH RESEARCH**

By: /s/ Sarah A. Zielinski
One of Defendants' Attorneys

David L. Hartsell
dhartsell@mcguirewoods.com

Sarah A. Zielinski
szielinski@mcguirewoods.com
Michael F. Bolos
mbolos@mcguirewoods.com
McGUIREWOODS LLP
77 West Wacker Drive
Suite 4100
Chicago, IL 60601-1818
Phone: 312-849-8100
Fax: 312-849-3690

CERTIFICATE OF SERVICE

I, John C. Ochoa, hereby certify that on October 10, 2014, I served the above and foregoing *Stipulation of Dismissal under Fed. R. Civ. P. 41(a)(1)(A)(ii)* by causing true and accurate copies of such paper to be transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this 10th day of October 2014.

/s/ John C. Ochoa

John C. Ochoa